

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

CHARLES B. ANDERSON,

Plaintiff,

v.

OFC SALENO, et al.

Defendants.

Case No. 2:19-cv-19926 (BRM) (JSA)

**ORDER**

**THIS MATTER** is opened to the Court on the Report and Recommendation of the Honorable Jessica S. Allen, U.S.M.J., dated September 2, 2021 (ECF No. 50), wherein she recommends that plaintiff's motion for voluntary dismissal (ECF No. 46) be granted and the case be dismissed pursuant to Federal Rule of Civil Procedure 41(a)(2) rather than Fed. R. Civ. P. 55 as mistakenly requested by plaintiff. Prior to making the Report and Recommendation, Judge Allen issued an order to show cause why the action should not be dismissed pursuant to Rule 41(a)(2) and, having not heard from plaintiff, sent an additional copy of the order to show cause out of an abundance of caution. Having still not received any objection to dismissal, Judge Allen recommended plaintiff's motion for voluntary dismissal (ECF No. 46) be granted. (ECF No. 50.)

The parties were given the opportunity to respond or object to Judge Allen's Report and Recommendation by September 16, 2021, pursuant to Local Civil Rule 72.1(c)(2); to date, no party has responded or objected to the Report and Recommendation. Having reviewed the Report and Recommendation; and it appearing the Court should adopt the Report and Recommendation without modification;

**IT IS** on this 23rd day of September 2021,

**ORDERED** that the Report and Recommendation (ECF No. 50) is hereby adopted in its entirety and entered; and it is further

**ORDERED** that the motion for voluntary dismissal (ECF No. 46) is **GRANTED** and Plaintiff's claims are **DISMISSED WITHOUT PREJUDICE**, and it is finally

**ORDERED** that this case be marked as **CLOSED**.

/s/ *Brian R. Martinotti*  
**HON. BRIAN R. MARTINOTTI**  
**UNITED STATES DISTRICT JUDGE**